

UNITED STATES DISTRICT COURT

for the

District of New MexicoU.S. DISTRICT COURT
DISTRICT OF NEW MEXICO

2014 MAR -7 PM 5:48

CLERK-LAS CRUCES

United States of America

v.

ADRIAN LOPEZ*Defendant*

Case No. 14-632 MJ

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: _____

Place

on _____

Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- ☒ (6) The defendant is placed in the custody of:

Person or organization TRINIDAD LOPEZ

Address (only if above is an organization) ----

City and state DEMING, NEW MEXICO

Tel. No. (Only if above is an organization) -----

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: [Signature]

Custodian

Date 3/07/2014

- ☒ (7) The defendant must:

- ☒ (a) submit to supervision by and report for supervision to the PRETRIAL SERVICES AGENCY,
telephone number -----, no later than -----.

- ☒ (b) continue or actively seek employment.

- ☐ (c) continue or start an education program.

- ☐ (d) surrender any passport to: -----

- ☐ (e) not obtain a passport or other international travel document.

- ☒ (f) abide by the following restrictions on personal association, residence, or travel: Travel restricted to Luna County, with direct travel to Las Cruces, NM, to meet with attorney and attend court proceedings; Pretrial Services authorized to expand travel within the U.S., only if necessary; No travel to Mexico.

- ☐ (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: -----

- ☐ (h) get medical or psychiatric treatment: -----

- ☐ (i) return to custody each ----- at ----- o'clock after being released at ----- o'clock for employment, schooling, or the following purposes: -----

- ☐ (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

- ☒ (k) not possess a firearm, destructive device, or other weapon.

- ☒ (l) not use alcohol (☒) at all (☐) excessively.

- ☒ (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

- ☒ (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

- ☒ (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

- ☐ (p) participate in one of the following location restriction programs and comply with its requirements as directed.

(☐) (i) **Curfew.** You are restricted to your residence every day (☐) from ----- to -----, or (☐) as directed by the pretrial services office or supervising officer; or

(☐) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

(☐) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.

- ☐ (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.

(☐) You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.

- ☒ (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

- ☒ (s) Contact attorney on a regular basis as directed by attorney. If attorney has no contact with defendant for more than 15 days, attorney is to advise Pretrial Services.

Other: Defendant is to report to Pretrial Services immediately prior to reporting to the attorney or leaving town on the day of release; Defendant must reside with Third Party Custodian; Defendant shall not frequent any establishment where alcohol is the primary item for sale; Defendant must not associate with any known drug users or dealers even if they are family; Court must be notified of any violations.

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.


If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:


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- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
 - (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
 - (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
 - (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

Witness: 
 Date Defendant Released: 3-7-14


 Defendant's Signature
 DEMING, NEW MEXICO
 City and State

Directions to the United States Marshal

- (☐) The defendant is ORDERED released after processing.
 (☒) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 3-7-14


 Judicial Officer's Signature
 LOURDES A. MARTINEZ, U.S. MAGISTRATE JUDGE
 Printed name and title